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Biden Abandons the Obama Legacy on Charter Schools The Education Department chooses teachers unions over poor kids.

By Jonathan Chait

Photo-Illustration: Intelligencer; Photo: Sarah Silbiger/Getty Images

Over the last decade, evidence has grown increasingly strong that public charter schools create better educational outcomes, especially for low-income, minority students in cities. The question hovering over the Biden administration has been whether it will

encourage and work to improve charter schools, as the Obama administration did, or instead try to smother them, as teachers unions and some left-wing activists have urged.

This spring, the administration released new guidelines restricting the \$440 million in annual federal funding for charter schools. The effect of these guidelines, and almost certainly its objective as well, is to choke off the growth of public charters.

The administration's proposed rules, which impose a blizzard of new conditions for accessing funds for charter schools, have three major flaws. First, they impose unnecessarily onerous application requirements that will make it hard for small charter schools to comply.

Second, the rules require, or at least strongly encourage, charters to collaborate with the districts that operate schools in their area. Of course, since the purpose of charter schools is to provide competition and an alternative to schools that are failing, this effectively gives districts a veto to block competition. The requirements are the equivalent of "letting Starbucks decide if anyone else can run a coffee shop in various communities," as Andy Rotherham puts it.

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Third, the rules push prospective new charter schools to demonstrate that existing public schools in the area do not have enough seats to meet existing demand. This completely misses the reason parents want charter schools, which is not because they lack access to a school, but because they lack access to a *good* school. Affluent parents who don't have a high-quality public-school option can go to a private school or move to a more affluent neighborhood. Charters give the chance at a decent education to parents who can't afford to do those things.

And while the Biden administration is treating charters as a threat to the quality of existing traditional public schools, the evidence shows the opposite. One recent study finds that adding charter schools increases performance for students in all schools across the district. Another study finds that adding charters leads to higher performance in math and science for Black and Latino students across the metropolitan area, as well as a narrowing of the racial-achievement gap.

The most revealing aspect of the administration's rules is its defense of them — or rather, its lack thereof. When Chalkbeat asked the Education Department for an interview about the charter-school regulations, it declined. Instead, a spokesperson "recommended that Chalkbeat speak to supporters of the proposal, including Carol Burris, executive director for the Network for Public Education."

The Network for Public Education is a militant anti-charter group that takes funding¹ from teachers unions (a fact Chalkbeat's neutral story did not mention.) Outsourcing your response to that group is essentially confessing that you are turning over charter-school funding regulation policy to the teachers unions.

Biden can placate an interest group that backed his campaign. Or he can side with low-income families that want a chance at giving their children a decent education. The first might seem like the path of least resistance, but for a party that has increasingly adopted the preferences of college-educated liberals while losing working class minorities, it is not even clear the political calculation makes sense.

What Biden's Education Department has released is just a first draft. Hopefully, the administration will grasp the damage it is incurring and rethink its proposal.

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